

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

204

CRM-M No.20810 of 2021

DATE OF DECISION : 28th MAY, 2021

Nitesh Kumar Jha

.... Petitioner

Versus

State of Haryana

.... Respondent

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court

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Present : Mr. Gaurav Sethi, Advocate for the petitioner.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 439 Cr.P.C. for grant of bail pending trial in case FIR No.199 dated 02.07.2019 registered under Section 20 of the Narcotic Drugs and Psychotropic Substances Act at Police Station Chandimandir, District Panchkula.

It is submitted by counsel for the petitioner that the case against the petitioner is totally concocted. Even as per the case of the police, the recovery from the petitioner is of non-commercial quantity of the alleged contraband. There is no other case against the petitioner. The petitioner is in custody since 02.07.2019. The trial is not proceeding further in the right earnest on account of the Covid-19 pandemic situation. Hence the petitioner deserves the concession of bail.

Notice of motion.

Mr. Harish Rathee, Deputy Advocate General, Haryana, accepts notice on behalf of the State.

It is submitted by counsel for the State, being instructed by police official, that the petitioner was, in fact, a retailer of the prohibited drugs, although, ostensibly he is running a shop. However, it is not disputed that the recovery from the petitioner is only of non-commercial quantity of prohibited drugs and that there is no other case against the petitioner. It is also not disputed that the petitioner is in custody since 02.07.2019.

In view of the above, but without expressing any further opinion on the merits of the case, the present petition is allowed. The petitioner is ordered to be released on bail pending trial subject to his furnishing bail bonds/surety to the satisfaction of the Trial Court/Duty Magistrate, concerned.

28th MAY, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>